



United States
Department of
Agriculture

Forest
Service

Sawtooth National Forest
Minidoka Ranger District

3650 South Overland Ave.
Burley, ID. 83318-3242
208-678-0430
Fax: 208-677-4878

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DIV. OF OIL, GAS & MINING

File Code: 2810

Date: June 30, 2008

Mr. Dave Morris
Dove Creek Quarries, LLC
P.O. Box 729
Park Valley, UT 84329

Dear Dave,

This letter is a follow-up to our meeting at Dove Creek Quarry on June 20, 2008. First, I'd like to inform you that the disturbance perimeter at the main quarry has not changed since it was mapped by Steve Flock in 2007. That being said, I want to again reiterate that no new expansion of the operation on National Forest lands is permitted without submission of a new or supplemental Plan of Operations and subsequent environmental review as required by the National Environmental Policy Act (NEPA).

During our meeting the issue of which Plan of Operations was authorized by the Forest Service was discussed. Bill Bown submitted a Plan of Operations to the Sawtooth National Forest and the Utah Division of Oil, Gas, and Mining on April 28, 1998. Bill modified the plan on January 11, 2001 and the Forest commenced the environmental analysis under NEPA. This plan was approved by the Forest Service on February 27, 2006. The approved plan describes the Main Quarry as 3.45 acres in size with no new expansion planned (2001 Amendment page 5).

Another amendment to the 1998 plan was received by the Forest Service on July 20, 2005. The revisions listed in this supplemental plan were not included in the environmental assessment conducted by the Forest Service and are not part of the Plan of Operations authorized in 2006.

A June 21, 2005 field inspection of the Main Quarry by the Sawtooth National Forest found 1.12 acres of unauthorized new disturbance in the form of quarry and waste rock expansion as well as a new road connecting the upper and lower quarry access roads. On July 13, 2005 a notice of noncompliance was issued from the Forest Service for the unauthorized expansion of the Main Quarry beyond the approved 3.45 acre footprint. A second notice of noncompliance was issued from the Forest Service on April 2, 2007 for yet another unauthorized expansion of the Main Quarry. This notice came after a March 26, 2007 inspection by the Forest Service found an additional 0.67 acre expansion of the Main Quarry, including a new 0.2 acre waste rock pile on National Forest administered lands. Technically, the operation is still not in compliance with the approved plan of operations. The additional waste rock that has been added to the Main Quarry appears to have come from the adjacent South Quarry located on private lands. The hauling of waste rock from private lands to the Main Quarry is not approved under the authorized Plan of Operations and is prohibited. Our concern is that excess waste material at the Main Quarry will render the site unable to be reclaimed. We will be doing follow-up inspections this summer to evaluate the reclamation bond.

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During the meeting it was mentioned that there was a verbal agreement between the quarry operators and the Forest Service that the Main Quarry could be expanded to include the acreage reclaimed at the Dads Dream and Upper White Quarry sites. At this time it is extremely important that there is no new disturbance on National Forest administered lands before a new or supplemental Plan of Operations is approved. A third unauthorized expansion of the Main Quarry could significantly delay the approval process for any future amendments to the Plan that was authorized in 2006. The agreement to expand the Main Quarry in light of reclamation work and/or not opening the approved Sunshine and Vertical Cloud sites would have to be formalized in writing before expansion of the Main Quarry could occur.

Please feel free to contact Sonny Thornborrow, Minerals Administrator, at 208 731-0176 to discuss any of the above items. I have included a copy of the 1998 plan as well as the 2001 supplement that represent the plan we are working from.

Sincerely,



SCOTT C. NANNENGA
Minidoka District Ranger

cc:

Mr. Jerry Cates
Dove Creek Quarries, LLC
P.O. Box 729
Park Valley, UT 84329

Mr. Bill Bown
Bonneville Quarries, Inc.
842 West 400 North
West Bountiful, UT 84087

Mr. Lynn Kunzler
Utah Division of Oil, Gas, and Mining
Box 145801
Salt Lake City, UT 84114-5801